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In re Application of:
Ilsley et al.
Serial No.: 09/919,643
Filed: July 31, 2001
Attorney Docket No.: 10991398-1

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on May 21, 2003, requesting withdrawal of the holding of abandonment of the above-identified application based on non-receipt of an Office action and to restore the application to a pending status. The delay in responding to this petition is regretted but it has just been brought to the attention of the deciding authority.

A review of the file history shows that the examiner mailed an Office action to applicants on September 17, 2002, setting a one-month statutory time period for reply. As the six months statutory period for response is up, this application is abandoned.

Applicants' state that the Office action of September 17, 2002 was never received and provides as evidence thereof a copy of the attorney docket reports where the Office action would have been entered if received, showing non-receipt of the Office action. Based on the evidence presented, it is concluded that applicants never received the Office action. In view thereof, the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Office action.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Jasemine Chambers
Director, Technology Center 1600